

O'HARE PARNAGIAN LLP

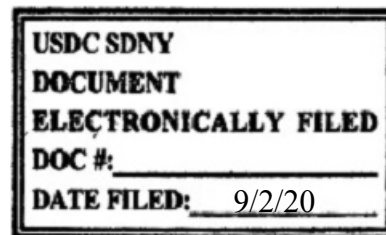
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September 1, 2020

Via ECF

The Honorable Barbara Moses
U.S. Magistrate Judge
Daniel Patrick Moynihan Courthouse
500 Pearl St., Room 740
New York, NY 10007-1312

MEMO ENDORSED

Re: EFCG, Inc. v. AEC Advisors, LLC et al., No. 19-CV-8076 (RA)(BCM)

Dear Judge Moses:

We represent plaintiff EFCG, Inc. ("Plaintiff" or "EFCG") in the above-referenced action and write pursuant to the Court's August 31, 2020 Order directing that Plaintiff re-file its motion to seal.

Plaintiff is seeking the Court's permission to file in redacted form portions of Plaintiff's pre-motion letter (the "Letter") (ECF No. 117) that discusses the private and sensitive health information of a non-party, Mr. Zofnass, and EFCG's confidential internal business operations. Such information has been held to merit redaction and/or sealing. See Ahmad v. White Plains City Sch. Dist., 2020 WL 3972274, at * 4 (S.D.N.Y. July 4, 2020) (directing that an order be filed under seal "[b]ecause this Order discusses sensitive medical information of Plaintiff"); Guzik v. Albright, 2018 WL 6011612, at *3 (S.D.N.Y. Nov. 16, 2018) (denying motion to unseal "the portions of the documents at issue that make any reference to the specifics of [defendant's] medical condition") (citing Doe v. City of New York, 15 F.3d 264, 267 (2d Cir. 1994) ("[T]here are few matters that are quite so personal as the status of one's health, and few matters the dissemination of which one would prefer to maintain greater control over.")); Louis Vuitton Malletier S.A. v. Sunny Merch. Corp., 97 F. Supp. 3d 485, 511 (S.D.N.Y. 2015) (holding that redactions of "information about [] business operations" was "justified"). Pursuant to Rule 3 of Your Honor's Individual Rules of Practice, Plaintiff is contemporaneously publicly filing the Letter in the proposed redacted form and electronically filing under seal a copy of the unredacted Letter, with the proposed redactions highlighted.

Similarly, Plaintiff is requesting the Court's permission to file the exhibit to the Letter (ECF No. 117-1) under seal because it also discusses Mr. Zofnass's private and sensitive health information and EFCG's confidential internal business operations. In addition, Defendants and a non-party, Mr. Daniel Babitz, have previously designated these documents confidential as part of their productions.

O'HARE PARNAGIAN LLP

The Honorable Barbara Moses
September 1, 2020
Page 2 of 2

We thank the Court for its consideration of this request.

Very truly yours,

/s/ Robert A. O'Hare Jr.

Robert A. O'Hare Jr.

Application GRANTED for substantially the reasons set forth herein. Dkt. No. 120 shall remain under seal. SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses", is written over a horizontal line.

Barbara Moses, U.S.M.J.
September 2, 2020